

1 Jeffrey E. Ostrow (SBN No. 213118)  
 2 [jostrow@stblaw.com](mailto:jostrow@stblaw.com)  
 3 SIMPSON THACHER & BARTLETT LLP  
 4 2550 Hanover Street  
 5 Palo Alto, California 94304  
 6 Telephone: (650) 251-5000  
 7 Facsimile: (650) 251-5002

8 Attorneys for Defendant  
 9 JPMorgan Chase & Co.

10  
 11 **UNITED STATES DISTRICT COURT**  
 12  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14  
 15 **(SAN FRANCISCO DIVISION)**

16 CITY OF OAKLAND, CALIFORNIA,  
 17 Plaintiff,

18 v.

19 AIG FINANCIAL PRODUCTS CORP., *et al.*

20 Defendants.

21 Case No. CV-08-2116-MMC

22  
 23 **STIPULATION CONCERNING**  
 24 **RESPONSES TO THE COMPLAINT**

25  
 26 WHEREAS, a motion under 28 U.S.C. § 1407 has been filed with the Judicial  
 27 Panel on Multidistrict Litigation (the “JPML”) to centralize similar actions for coordinated  
 28 pretrial proceedings, *In re Municipal Derivatives Antitrust Litigation*, MDL Docket No. 1950;  
 and

29 WHEREAS, for efficiency’s sake, briefing on pre-answer motions to dismiss in  
 30 this action should not be scheduled until the JPML has determined which court will hear the  
 31 action, and any consolidated complaint has been filed; and

32 WHEREAS, although the consent of defendants other than JPMorgan Chase & Co.  
 33 is not required because no defendant’s position is compromised by this Stipulation, counsel for  
 34

1 JPMorgan Chase & Co. can nevertheless report that identified counsel for the other defendants  
2 have been canvassed and all support the Court's approval of this Stipulation, except the Bank of  
3 America defendants who are negotiating separately with Plaintiff,

5 WHEREAS, Plaintiff City of Oakland (“Plaintiff”) agrees that submission of this  
6 Stipulation should be without prejudice to JPMorgan Chase & Co. or any other defendant to this  
7 action,

10           1.     No defendant need respond to the complaint in this action before the 60th  
11           day after the Judicial Panel on Multidistrict Litigation has decided the centralization motion  
12           pending in docket No. 1950, *In re Municipal Derivatives Antitrust Litigation*, and plaintiff has  
13           filed a consolidated amended complaint (or has announced by filed notice that it will not be filing  
14           a consolidated amended complaint), unless the transferee court orders otherwise; provided,  
15           however, that in the event a defendant agrees to an earlier response date in any municipal  
16           derivatives case, that defendant shall respond to the City of Oakland's complaint on that earlier  
17           date;  
18

23                   3. Until such time as the transferee court enters a discovery order, any  
24 defendant who joins the stipulation and produces or has produced any documents, electronic data,  
25 or other information to any plaintiff in a municipal derivative action included in or properly  
26 designated as a tag-along action to *In re Municipal Derivatives Antitrust Litigation*, MDL Docket  
27 No. 1950, shall make such information immediately available to Plaintiff City of Oakland on the

1 same terms and subject to the same conditions;

2 4. No defense of JPMorgan Chase & Co. or any other defendant to this action  
3 is prejudiced or waived by its submission of this Stipulation, including but not limited to assertion  
4 of jurisdictional defenses; and

5 5. Defense counsel may file notices of appearance in this action without  
6 prejudice to their respective clients' jurisdictional and venue defenses.

7  
8 So Stipulated and Agreed.

9  
10 Date: May 27, 2008

11  
12 By: 

13 Richard M. Heimann (State Bar No. 063607)

14 *rheimann@lchb.com*

15 Joseph R. Saveri (State Bar No. 130064)

16 *jsaveri@lchb.com*

17 Eric B. Fastiff (State Bar No. 182260)

18 *efastiff@lchb.com*

19 275 Battery Street, 30th Floor

20 San Francisco, CA 94111-3339

21 Telephone: (415) 956-1000

22 Facsimile: (415) 956-1008

23 John A. Russo, City Attorney (SBN 063203)

24 *jrusso@oaklandcityattorney.org*

25 Barbara Parker, Chief Asst. City Attorney (SBN 069722)

26 *bparker@oaklandcityattorney.org*

27 Mark Morodomi, Supervising Deputy City Attorney

28 (SBN 120914)

*mmorodomi@oaklandcityattorney.org*

Kathleen Salem-Boyd, Deputy City Attorney (SBN

100179)

*ksalemboyd@oaklandcityattorney.org*

CITY OF OAKLAND

One Frank H. Ogawa Plaza, 6th Floor

Oakland, California 94612

Telephone: (510) 238-3034

Facsimile: (510) 238-6500

James A. Quadra (SBN 131084)  
*quadra@mqlaw.com*  
Sylvia Sokol (SBN 200126)  
*sokol@mqlaw.com*  
MOSCONÉ, EMBLIDGE & QUADRA, LLP  
220 Montgomery Street  
Mills Tower, Suite 2100  
San Francisco, CA 94104  
Telephone: (415) 362-3599  
Facsimile: (415) 362-2006

*Attorneys for Individual and Representative Plaintiff  
City of Oakland, California*

By: /s/ Jeffrey E. Ostrow

Jeffrey E. Ostrow (SBN No. 213118)  
*jostrow@stblaw.com*  
**SIMPSON THACHER & BARTLETT LLP**  
2550 Hanover Street  
Palo Alto, California 94305  
Telephone: (650) 251-5000  
Facsimile: (650) 251-5002

*Attorneys for defendant JPMorgan Chase & Co.*